

## **REMARKS**

In the Office Action, the Examiner rejected claims 1, 8, 14 and 21 under 35 USC 112, first paragraph; and rejected claims 1-21 and 23-29 under 35 USC 103(a). These rejections are fully traversed below.

Claims 1, 8, 14, 15 and 21 have been amended to further clarify the subject matter regarded as the invention. New claim 30 has been added to the application. Claims 1-21 and 23-30 are pending in the application.

Reconsideration of the application is respectfully requested.

### **REJECTION OF CLAIMS 1, 8, 14 AND 21 UNDER 35 USC 112, FIRST PARAGRAPH**

In the Office Action, the Examiner rejected claims 1, 8, 14 and 21 under the first paragraph of 35 USC 112 as containing subject matter not described in the specification. Specifically, the Examiner asserts: "the limitation of 'wherein said method is managed by another entity, with the another entity being independent of the service provider' is not supported by the specification" (Office Action, page 2). Applicants respectfully disagree. As an example, page 6 of the present specification references an appointment server that manages scheduling of appointments between requestors and service providers through the Internet. The appointment server enables service providers to register therewith so as to receive appointments with requestors. The various service providers are thus accessible through the Internet. There can be three distinct entities involved: the requestor/user, the service providers, and the entity providing (e.g., hosting) the appointment server. Accordingly, one skilled in the art would easily understand such limitations. Moreover, it should be noted that claims 1, 8, 14 and 21 no longer include such limitations. Therefore, it is respectfully requested that the Examiner withdraw the rejection of claims 1, 8, 14 and 21 under the first paragraph of 35 USC 112.

### **REJECTION OF CLAIMS 1-21 AND 23-29 UNDER 35 USC 103(a)**

In the Office Action, the Examiner rejected claims 1-11 under 35 USC 103(a) as being unpatentable over Ralston et al. (US 6,389,454, hereinafter "Ralston") in view of Detjen et al. (US 5,970,466, hereinafter "Detjen"); rejected claims 12 and 13 under 35

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USC 103(a) as being unpatentable over Ralston; rejected claims 14-20 under 35 USC 103(a) as being unpatentable over Ralston in view of Rasansky et al. (US Patent 5,960,406, hereinafter, "Rasansky"); and rejected claims 21 and 23-29 under 35 USC 103(a) as being unpatentable over Ralston in view of Rasansky and further in view of Sheldon et al. (US 6,708,205, hereinafter, "Sheldon"). Applicants respectfully disagree.

Claim 1 pertains to a computer implemented method for providing on-line appointment services over a global computer network. After an on-line appointment has been requested for a service provider, the service provider can confirm or decline the requested appointment. In addition, among other things, claim 1 recites: "electronically notifying the user requesting the on-line appointment of the confirmation or decline via email" (claim 1, lines 13-14). The Examiner points to col. 6, lines 25-27 of Ralston as being relevant. However, there Ralston states:

The scheduling system 10 then reports all of the appointment information to the facility 35, 45, 55 at which the service will be performed, and a portion of this information—the client information, the appointment date and time, and the facility's identity—to the client 20, and confirms the appointment with the facility 35, 45, 55 at which the appointment is scheduled to occur. In connection with the scheduling of the appointment, a unique appointment number is transmitted to both the client 20 and the facility 35, 45, 55 at which the appointment is scheduled.

Ralston, col. 6, lines 17-27.

Here, Ralston is merely stating that the scheduling system reports all appointment information to the facility and some appointment information to the client. It also states that the scheduling system confirms the appointment with the facility. Finally, it states that in scheduling the appointment, a unique appointment number is transmitted to the facility and the client. Accordingly, Ralston has not taught or suggested notifying a user requesting an on-line appointment of its confirmation or decline via email. The unique appointment number is merely a unique identifier and is not taught or suggested as being in any way associated with the confirming or declining of an appointment request by a service provider.

Furthermore, claim 1 recites "wherein the on-line appointment services are available to at least one non-registered service provider on a limited basis, which can motivate the non-registered service provider to become a registered service provider, the

non-registered service provider is able to participate in the on-line appointment services on the limited basis by way of permitting up to a predetermined number of appointment requests or appointment confirmations for the non-registered service provider." The Examiner admits on page 5 of the Office Action that this claim element is not taught by Ralston or Detjen. Instead, the Examiner concludes that it would be obvious to modify Ralston and Detjen to provide such a feature. Applicants respectively disagree.

There is no teaching or suggestion in either Ralston or Detjen for any registration of service providers for appointment scheduling or for any limited appointment scheduling for service providers who have not registered. There is no motivation or suggestion in these references that would lead one skilled in the art to draw the conclusion that such a feature is obvious. Further, the limited basis is recited as being provided by "permitting up to a predetermined number of appointment requests or appointment confirmations for the non-registered service provider." For example, the appointment requests are requested by the requestors and confirmed by the service providers only for a few times. In one embodiment, as the appointments are requested or confirmed, a count can be increased. Once the count has reached the predetermined number, the non-registered service provider can lose further ability to schedule appointments. There is no teaching or suggestion in either Ralston or Detjen for permitting users of on-line appointment services up to a predetermined number of appointments for an unregistered service provider.

Still further, claim 1 previously recited "wherein said method is managed by another entity, with the another entity being independent of the service providers and the user." As acknowledged in the Office Action, neither Ralston nor Detjen are operated by an independent entity. It is unreasonable for the Examiner to suggest that "Outlook" is such an entity. Outlook is merely a software program, not an entity. Outlook is used by an entity. Applicants also disagree with the Examiner's statement that "It is noted that it is old and well known in the art to manage on-line appointment by another entity, with another entity being independent of the service providers and the user." Applicants seasonably challenge this statement and request that a reference be cited to establish the same if this statement is to be further relied upon.

Accordingly, it is submitted that claim 1 is patentable distinct from Ralston in view of Detjen

Claim 8 pertains to a method for providing an on-line appointment between a user and a service provider over a network. Among other things, claim 8 recites: "wherein a user is able to schedule with a non-registered service provider the on-line appointment over the network on a limited basis, which can motivate the non-registered service provider to become a registered service provider, the non-registered service provider is able to participate in the on-line appointment services on the limited basis by way of permitting up to a predetermined number of appointment requests or appointment confirmations for the non-registered service provider." The Examiner admits on pages 10 and 11 of the Office Action that this permitting of usage by a non-registered service provider on a limited basis is not taught by Ralston or Detjen. Instead, the Examiner concludes that it would be obvious to modify Ralston and Detjen to provide such a feature. Applicants respectively disagree.

There is no teaching or suggestion in either Ralston or Detjen for any registration of service providers for appointment scheduling or for any limited appointment scheduling for service providers who have not registered. There is no motivation or suggestion in these references that would lead one skilled in the art to draw the conclusion that such features are obvious. Further, the limited basis is recited as being provided by "permitting up to a predetermined number of appointment requests or appointment confirmations for the non-registered service provider." For example, the appointment requests are requested by the requestors and confirmed by the service providers only for a few times. In one embodiment, as the appointments are requested or confirmed, a count can be increased. Once the count has reached the predetermined number, the non-registered service provider can lose further ability to schedule appointments. There is no teaching or suggestion in either Ralston or Detjen for permitting users to schedule up to a predetermined number of appointments for an unregistered service provider.

Still further, claim 8 previously recited "wherein said method is managed by another entity, with the another entity being independent of the service providers and the user." As acknowledged in the Office Action, neither Ralston nor Detjen are operated by

an independent entity. It is unreasonable for the Examiner to suggest that "Outlook" is such an entity. Outlook is merely a software program, not an entity. Outlook is used by an entity. Applicants also disagree with the Examiner's statement that "It is noted that it is old and well known in the art to manage on-line appointment by another entity, with another entity being independent of the service providers and the user." Applicants seasonably challenge this statement and request that a reference be cited to establish the same if this statement is to be further relied upon.

Accordingly, it is submitted that claim 8 is patentable distinct from Ralston in view of Detjen

Claim 14 pertains to a method for providing an on-line appointment over a network. Among other things, claim 14 recites "(h) updating an electronic calendar for the selected one of the available service providers with the appointment" (claim 14, lines 13-14). As to this claim element, the Examiner admits that Ralston fails to provide any such teaching or suggestion. However, the Examiner relies on col. 15, lines 27-28 of Rasansky on page 15 of the Office Action,

Rasansky pertains to an invite process by which a user can invite another person or persons to an event. Rasansky does not teach or suggest registering service providers to later allow a user to schedule an on-line appointment therewith. In Rasansky, there is only a user updating his/her own calendar. The disclosure at col. 15, lines 27-28 of Rasansky pertains to a user not a service provider. Hence, neither Ralston nor Rasansky teaches or suggests updating a service provider's electronic calendar with an appointment for the service provider as requested by a user.

Furthermore, claim 14 recites "wherein the on-line appointment with a non-registered service provider is able to schedule with a user the on-line appointment over the network on a limited basis, which can motivate the non-registered service provider to become a registered service provider, the non-registered service provider is able to participate in the on-line appointment services on the limited basis by way of permitting up to a predetermined number of appointment requests or appointment confirmations for the non-registered service provider." The Examiner admits on page 16 of the Office Action that this claim element is not taught by Ralston or Rasansky. Instead, the

Examiner concludes such would be obvious to modify Ralston and Rasansky to provide such a feature. Applicants respectively disagree.

There is no teaching or suggestion in either Ralston or Rasansky for any registration of service providers for appointment scheduling or for any limited appointment scheduling for service providers who have not registered. There is no motivation or suggestion in these references that would lead one skilled in the art to draw the conclusion that such a feature is obvious. Further, the limited basis is recited as being provided by "permitting up to a predetermined number of appointment requests or appointment confirmations for the non-registered service provider." For example, the appointments are requested by the requestors and confirmed by the service providers only for a few times. In one embodiment, as the appointments are requested or confirmed, a count can be increased. Once the count has reached the predetermined number, the non-registered service provider can lose further ability to schedule appointments. There is no teaching or suggestion in either Ralston or Detjen for permitting up to a predetermined number of appointments for an unregistered service provider.

Accordingly, it is submitted that claim 14 is patentable distinct from Ralston in view of Rasansky

Claim 21 pertains to an on-line appointment system having an appointment server and an appointment database. For reasons similar to those noted above regarding claim 8, it is submitted that claim 21 is patentable distinct from Ralston in view of Rasansky and Sheldon (US 6,708,205). Sheldon does not overcome the deficiencies of Ralston and Rasansky.

Based on the foregoing, it is submitted that claims 1, 8, 14 and 21 are patentably distinct from Ralston, Detjen, Rasansky and/or Sheldon. In addition, it is submitted that dependent claims 2-7, 9-13, 15-20 and 23-29 are also patentably distinct for at least the same reasons. The additional limitations recited in the independent claims or the dependent claims are not further discussed as the above-discussed limitations are clearly sufficient to distinguish the claimed invention from Ralston, Detjen, Rasansky and/or Sheldon. Thus, it is respectfully requested that the Examiner withdraw the rejection of claims 1-21 and 23-29 under 35 USC §103(a).

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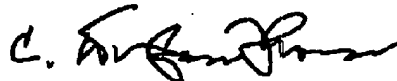
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**SUMMARY**

It is submitted that claims 1, 8, 14 and 21 satisfy the requirements of the first paragraph of 35 USC 112. In addition, it is submitted that claims 1-21 and 23-29 (as well as new claim 30) are patentably distinct from any combination of the cited references. Reconsideration of the application and an early Notice of Allowance are earnestly solicited.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned representative at the telephone number listed below.

Respectfully submitted,



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